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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re E.B., a Person Coming  
Under the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and Respondent,

v.

C.B.,

Defendant and Appellant.

B293618

(Los Angeles County  
Super. Ct. No. 18CCJP03543E)

APPEAL from orders of the Superior Court of Los Angeles County. Natalie Stone, Judge. Affirmed.

Konrad S. Lee, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

\* \* \* \* \*

This is father C.B.'s appeal from jurisdiction and disposition orders declaring E.B., his then nine-month-old son, a dependent following a domestic violence incident against mother, M.J. The court sustained the petition against both mother and father, and mother did not appeal. Father does not mention a single fact suggesting he would be prejudiced if we declined to consider his appeal of the court's jurisdiction order, and he has nothing at all to say about the disposition orders. Father's appeal is not justiciable. We affirm.

### **BACKGROUND**

The Los Angeles County Department of Children and Family Services (Department) received an emergency response referral on May 7, 2018, after law enforcement responded to a call to handle a domestic violence incident at mother's home where she lived with E.B. and his four older half siblings. The police report states in part: "Upon arrival, at approximately 1800 hours, we were met with the victim who told us the following. [Father] and [mother] share one child (7 months old)[, E.B.] . . . . [Father] does not live in [mother's] home. [E.B.] was in the bedroom sleeping while the other four [children] were outside playing. [Mother] had a male friend at her home helping her fix some electronics. [Father] entered the home (door was unlocked) and became angry that there was a male in [mother's] home. [Mother's] male friend did not want any problems so he left the scene. [Father] and [mother] argued over the male friend at [mother's] home. [Father] became angrier and the argument escalated to a physical confrontation. [Mother] was backed in to her bedroom from the living room. [Mother] attempted to close the bedroom door but [father] punched the door, causing a crack, and causing the door to open. [Mother] attempted to push

[father] off of her but [father] overpowered her. During the pushing and shoving, [father] caused [mother] to break a nail off her left hand, causing visible bleeding. [Father] also hit [mother] in the face with an open hand, causing pain to her lip.

[¶] . . . [¶] [Mother] stated that there have been at least 4 other incidents in the last 2 years where verbal arguments have escalated to physical violence. The violence has become worse every time. [Father] has pushed and shoved [mother] in the past. [Mother] is in fear for her life due to this being the first time she reports [*sic*] the violence. [¶] [Father] is part of the Bounty Hunter Bloods, aka ‘Bull’ and is known to have weapons in his home.”

A week later, mother obtained a restraining order protecting her and the children from father.

Father has a criminal history spanning from 2012 to 2017. The charges include battery on a person, making terrorist threats, and inflicting corporal injury upon a spouse/cohabitant.

In a telephone interview with father on July 19, 2018, a Department investigator asked father to explain what happened on May 7, the day of the referral. His response was reported in a last minute information for the court as follows: “Father stated ‘I came home [*sic*] and it was a male friend she had in the house fixing the TV. I was tripping off of why you didn’t call your man? Why you call another man to fix your TV? But he was fixing the vacuum that I should’ve fixed. I told her I was going to fix it. And I could’ve fixed the TV too. I didn’t put my hands on her. I just pushed her and punched the door.’ ”

The investigator asked how mother’s nail was broken. Father stated it was from him pushing her. When asked if he

lived in mother's home, father said no, but he would go there occasionally.

The juvenile court sustained these allegations concerning E.B.:

“[Mother and father of E.B.] have a history of engaging in violent physical altercations in the presence of the children. On or about 05/07/18, [father] struck the mother's face with [his] hand. The mother and . . . father pushed and shoved one another. [Father] shoved the mother into a wall. The mother sustained pain to [her] lip, a broken finger nail, and experienced pain to her back. [Father] punched a door in the children's home, damaging a door. On prior occasions, the mother and . . . father engaged in physical altercations, including . . . father pushing and shoving the mother. On prior occasions, [father] threatened the mother and refused to leave the children's home. . . . Such violent conduct on the part of the mother and [father] and the mother's failure to protect the children, endangers the children's physical health and safety and places the children at risk of serious physical harm, damage, danger and failure to protect.”

### **DISCUSSION**

The focus of dependency proceedings is on the protection of children. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491-1492.) To acquire jurisdiction over a child, a juvenile court need only “find that one parent's conduct has created circumstances triggering [Welfare and Institutions Code] section 300.” (*In re I.A.*, at p. 1491.) “[I]t is commonly said that a jurisdictional finding involving one parent is ‘good against both. More accurately, the minor is a dependent if the actions of either parent bring [the minor] within one of the statutory definitions of a dependent.’ ” (*Id.* at p. 1492.) “This accords with the purpose of a dependency

proceeding, which is to protect the child, rather than prosecute the parent.’ ” (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) As a result, “an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence.” (*In re I.A.*, *supra*, at p. 1492.)

Even if we considered reversing the jurisdictional finding as to father, the juvenile court would retain jurisdiction over E.B. based on the sustained, and unchallenged, allegations against mother. Therefore, father’s attack on the jurisdictional finding relative to his conduct alone is nonjusticiable. (*In re I.A.*, *supra*, 201 Cal.App.4th at pp. 1490-1491 [“An important requirement for justiciability is the availability of ‘effective’ relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status.”].)

Furthermore, father has failed to persuade us there is a valid reason to exercise our discretion to review his appeal. Father has not identified any likely prejudice he will suffer in future proceedings because of the jurisdictional findings against him. The only thing he has to say on this point in his opening brief is: “Here, [father] is prejudiced by the erroneous jurisdiction findings, because the resulting jurisdiction finding ‘may have far-reaching implications with respect to his paternal rights and future dependency proceedings in this case.’ Indeed, jurisdictional findings can establish *prima facie* evidence that a child cannot safely remain in the home. (See § 361, subd. (c)(1); *In re T.V.* (2013) 217 Cal.App.4th 126, 135.)” The citations to statute and case law, without applying the law to the facts of this case, do nothing to show we should exercise our discretion to consider this appeal. Father had nothing at all to say on this

point in his reply brief. And, although his notice of appeal states father is also appealing the disposition orders, he did not mention the disposition orders at all in either brief. He has forfeited any claim of error in the disposition orders.

**DISPOSITION**

The jurisdiction and disposition orders are affirmed.

GRIMES, Acting P. J.

WE CONCUR:

STRATTON, J.

WILEY, J.